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WESTERN STATE HOSPITAL v. GENERAL BOARD OF
STATE HOSPITALS FOR INSANE.

March 9, 1911.

[70 S. E. 505.]

1. Courts (§ 188*)—City Courts—Jurisdiction.—Code 1904, § 3214, subds. 5, 6, provide that any action, except as otherwise specially provided, if on behalf of the commonwealth, may be brought in the city of Richmond, and if it be necessary or proper to make any of specified officers a party defendant, or if it be necessary to make any specified public corporation a party defendant, it shall be only in the city of Richmond. Held, that such subdivisions refer only to cases in which the state is a party or in which the state officers specified are necessarily defendants, and did not authorize a suit by the Western State Hospital, a quasi public corporation, against the General Board of State Hospitals for the Insane to determine the validity of a statute authorizing the use of funds derived from a bequest for a purpose alleged to be different from that designated therein.

[Ed. Note.—For other cases, see Courts, Dec. Dig. § 188.* 8 Va.-W. Va. Enc. Dig. 890; 12 Va.-W. Va. Enc. Dig. 739.]

2. Courts (§ 188*)—City Court—Jurisdiction.—Code 1904, § 3216, provides that any action or suit mentioned in the two preceding sections could be brought in the circuit court of any county, etc., wherein it is allowed or required to be brought, except that any such action or suit as is allowed by the fifth and sixth subdivisions of section 3214 to be brought in the city of Richmond shall be in the circuit court of that city, and provides for the transfer of pending cases, etc. Held, that such section did not confer jurisdiction on the circuit court of Richmond city of an action brought by a quasi public corporation against a state board, which action was not maintainable under subdivisions 5 and 6 of section 3214.

[Ed. Note.—For other cases, see Courts, Dec. Dig. § 188.* 8 Va. W. Va. Enc. Dig. 890; 12 Va.-W. Va. Enc. Dig. 739.]

Appeal from Circuit Court, City of Richmond.

Action by the Western State Hospital against the General Board of State Hospitals for the Insane. From a decree sustaining a demurrer to the bill, complainant appeals. Affirmed.

Timberlake & Nelson, for appellant.

The Attorney General, for appellee.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.